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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,922	06/13/2000	Robert A. Jacobs	5038-46	7879

7590 08/26/2003

Marger Johnson & McCollom PC
1030 S W Morrison Street
Portland, OR 97205

EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/26/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,922

Applicant(s)

JACOBS, ROBERT A.

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No 6,195,680 by Goldszmidt et al.

In claim 1, Goldszmidt teaches about a method to change audio sources broadcast over a network, the method comprising (Fig 6):

separately buffering multiple audio sources transmitted across the network so as to reduce delay when audio sources are changed (Fig 6& 7), (Col 15, lines 15-60).

In claim 2, Goldszmidt teaches about a method of claim 1, the method further comprising selecting one of the multiple audio sources using a stream selector (Col 3, lines 1-55).

In claim 3, Goldszmidt teaches about a method of claim 1, the method further comprising routing each of the multiple audio sources to a stream receiver operable to maintain connection with that audio source (Col 3, lines 1-55).

In claim 4, Goldszmidt teaches about a method of claim 3, the method further comprising delivering the selected one of the multiple audio sources as audio output signals-to a user (Col 3, lines 1-55).

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In claim 5, Goldszmidt teaches about a method of claim 1 wherein buffering of the multiple audio sources is accomplished by one of the group comprised of a computer having browsing software, and an Internet radio receiver (Fig 3d), (Col 12, line 45-Col 13, line 15).

In claim 6, Goldszmidt teaches about a method of claim 1 wherein selecting one of the multiple audio sources is accomplished with one of the group comprised of predefined user inputs, and a present user input (Col 3, lines 1-55).

In claim 7, Goldszmidt teaches about an Internet radio receiver operable to switch between multiple audio sources and deliver radio receiver output to a user, the receiver comprising (Col 1, lines 55-67), (Col 3, lines 1-55):

a stream manager operable to receive and buffer the multiple Internet radio sources and to select one of the multiple Internet radio sources (Fig 6& 7), (Col 15, lines 15-60).

In claim 8, Goldszmidt teaches about a receiver of claim 7 wherein the receiver further comprises a connector operable to receive the multiple audio sources (Fig 1A), (Col 3, lines 1-55).

In claim 9, Goldszmidt teaches about a receiver of claim 8, wherein the connector is one of a group comprised of a modem cable, a wireless receiver, a power line, and a network cable (Col 17, lines 20-35).

In claim 10, Goldszmidt teaches about a receiver of claim 8 wherein the receiver further comprises an interface between the connector and the stream manager (Fig 1A), (Col 4, lines 25-65).

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In claim 11, Goldszmidt teaches about a receiver of claim 10, wherein the interface is one of a group comprised of a modem, a network interface card, a power line data interface and a wireless modem (Col 17, lines 20-35).

In claim 12, Goldszmidt teaches about a receiver of claim 7 further comprising at least one speaker operable to present the one of the multiple audio sources to a user as audio output signals (Col 1, lines 55-67).

In claim 13, Goldszmidt teaches about a receiver of claim 7 further comprising a display operable to display an identifier of a selected one of the multiple audio sources (Col 1, lines 55-67).

In claim 14, Goldszmidt teaches about a receiver of claim 7 wherein the stream manager further comprises:

- a) multiple stream receivers each operable to-receive one of the multiple audio sources (Col 3, lines 1-55);

- b) corresponding stream buffers each operable to receive data from one of the multiple stream receivers (Fig 6& 7), (Col 15, lines 15-60);

- c) a stream selector operable to select one of the multiple audio sources as output to a user (Col 3, lines 1-55).

In claim 15, Goldszmidt teaches about an article comprising:

- a) a storage medium, the storage medium having stored thereon instructions, that, when executed by a computing device, result in (Fig 1A):

- i) reception of multiple audio sources using a stream receiver for the multiple audio sources (Col 3, lines 1-55);

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ii) buffering of the multiple audio sources received from the stream receivers (Fig 6& 7), (Col 15, lines 15-60); and

iii) selection of one of the multiple audio sources and to produce audio output signals (Col 1, lines 55-67).

In claim 16, Goldszmidt teaches about an article of claim 14 wherein said computing device comprises a personal computer (Col 17, lines 20-35).

In claim 17, Goldszmidt teaches about an article of claim 14 wherein said computing device comprises an Internet radio receiver having a processor (Col 17, lines 20-35).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No 6,470,390 by Murase et al, teaches about an apparatus for and a method of creating and conveying an interactive audiovisual work

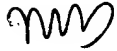
US Patent No 6,557,067 by James et al, teaches about a system and method to effectively compensate for delays in an electronic interconnect.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


MD


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100